

## **REMARKS**

Reconsideration of this application, as amended, is requested.

Claims 1 and 3-12 remain in the application. Claim 1 has been amended to incorporate the limitations that had been in claim 2 and to define the invention more clearly. Accordingly, claim 2 has been canceled. Claims 7 and 8 have been amended to define the invention more clearly, and clarifying amendments to claims 6 and 11 have been entered to ensure that those claims conform to the specification. Claim 12 has been rewritten as an independent claim.

Claims 2 and 7-12 were rejected under 35 USC 112, second paragraphs as being indefinite. The Examiner requested clarification with respect to the term "inclined".

It is believed that the amended claims clearly define the location and orientation of the inclined projections.

Claims 1, 2, 4-7 and 9-11 were rejected under 35 USC 102(b) as being anticipated by U.S. Patent No. 3,544,953 to Shannon. The Examiner noted that Shannon is directed to a battery cover with an entry 29 for receiving a wire. The Examiner concluded that the edges that define the entry of the Shannon cover are inclined.

Shannon is directed to a cover for covering a battery post 18 and the terminal 14 that is connectable to the battery post 18. The cover 10 of Shannon includes a top wall 24 and a plurality of side walls 25-28 that extend approximately perpendicularly down from the top wall 24 to an open bottom. One of the side walls 26 is formed with a slot 29 that extends from the bottom edge of the cover 10 to an aperture 35. The aperture 35 is dimensioned to surround the cable 12 that extends from the terminal 14. The side walls 27 and 28 can be biased away from one another to widen the slot 29 in the side wall 26 so

that the Shannon cover can be mounted over the battery post 18, the terminal 14 and portions of the cable 12 adjacent the terminal 14. The Shannon cover presumably would work well for those situations where substantially all of the terminal extends approximately parallel to the surface 21 of the battery 20 from which the post 18 projects. However, the Shannon cover would not protect the terminal 14 if a part of the terminal 14 projected beyond the top wall 21 of the battery and certainly would not provide protection if part of the terminal 14 extended into a position substantially adjacent a side wall of the battery 20.

Many batteries now have posts on a top wall of a battery, but substantially adjacent a side wall of the battery. Hence, the terminal that connects to the post often will extend beyond the top wall of the battery. In many instances, the terminal will be bent through a right angle so that part of the terminal lies adjacent a side wall of the battery. A Shannon-type cover is not useful for these situations. The admitted prior art, on the other hand, shows covers that can be used in these situations. However, the admitted prior art requires complex hinged covers with members that must be rotated around a hinge. The subject application explains that the prior art covers for these situations cannot be closed easily when the operation space is small. The Shannon cover does not solve these problems and would leave a part of the terminal exposed.

Independent claims 1 and 7 have been amended to define the invention more clearly and to distinguish over Shannon. In particular, amended claim 1 defines a battery cover with a terminal protection part having a closed top, an open bottom and a side wall extending in a top-to-bottom direction between the top and bottom for protecting a battery terminal. This first subparagraph of amended claim 1 substantially corresponds to Shannon. However, amended claim 1 then defines the cover as having "a wire

harness-mounting part connected to the terminal connection part and having a back wall aligned substantially parallel to the top-to-bottom direction." The wire harness-mounting part of amended claim 1 further includes first and second side walls extending from the back wall to define a substantially U-shape. An entry is defined between portions of the side walls spaced from the back wall. Additionally, the side walls are defined as being capable of elastically deforming between a holding position for holding a wire harness inside the wire harness-mounting part and an open position for allowing insertion of said wire harness. Amended claim 1 then defines "first and second inclined surfaces formed respectively on said first and second side walls of the wire harness-mounting part and being aligned substantially parallel to the top-to-bottom direction so that said inclined surfaces are engageable from an outer side of said wire harness-mounting part toward an inner side thereof in a direction substantially normal to top-to-bottom direction." The edges of the slot 29 of Shannon are not inclined surfaces formed on side walls and are not aligned substantially parallel to the top-to-bottom or mounting direction of the terminal protection part. Even if the edges 29 were considered to be surfaces, they are not parallel to the top-to-bottom direction, but rather are inclined as stated in the office action. Furthermore, the edges of the slot 29 of Shannon are not engageable in a direction substantially normal to the top-to-bottom direction. Rather, the edges of the slot 29 of Shannon necessarily must be engaged with the Shannon cable 12 substantially in the top-to-bottom direction.

Independent claim 7 similarly has been amended to distinguish over Shannon. In this regard, Shannon arguably has and consists of the terminal protection part recited in the first subparagraph of claim 7. However, Shannon does not have a

connection part and a substantially U-shaped wire harness-mounting part extending from the connection part so that wire harness-mounting part has a connecting wall and opposed front and rear walls that are substantially parallel to the wire harness. Additionally, Shannon does not have "inclined projections formed on the front and rear walls at the entry and having surfaces converging towards one another at locations closer to the connecting wall." For these reasons it is submitted that the invention defined by amended independent claims 1 and 7 and their respective dependent claims are not taught or suggested by Shannon.

Claim 1 was rejected under 35 USC 102(b) as being anticipated by U.S. Patent No. 5,338,898 to Luciano et al.

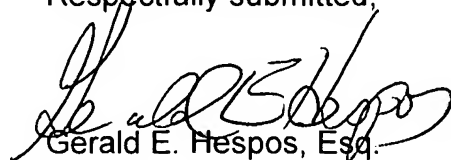
As noted above, claim 1 has been amended to incorporate the limitations of claim 2. The Luciano et al. reference was not applied to claim 2. Hence, amended claim 1 is believed to distinguish over Luciano et al.

Claims 3 and 8 were rejected under 35 USC 103(a) as being obvious over Shannon in view of U.S. Patent No. 5,196,338 to Dewar et al. The Dewar et al. reference was cited merely for showing a locking arrangement on a battery connector cover. In this regard, the Dewar et al. reference is believed to be no more relevant than the admitted prior art mentioned in the application and cited in the Information Disclosure Statement filed with this application. The Dewar et al. reference certainly does not overcome the deficiencies of Shannon as described above.

The applicants are pleased to note that the Examiner considered claim 12 to be directed to patentable subject matter. Claim 12 has been rewritten as an independent claim and is believed to be in condition for allowance.

In view of the preceding amendments and remarks, it is submitted that the amended claims are directed to patentable subject matter and allowance is solicited. The Examiner is urged to contact applicants attorney at the number below to expedite the prosecution of this application.

Respectfully submitted,



Gerald E. Hespos, Esq.

Atty. Reg. No. 30,066

Customer No. 001218

CASELLA & HESPOS LLP

274 Madison Avenue - Suite 1703

New York, NY 10016

Tel. (212) 725-2450

Fax (212) 725-2452

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